

ENTERED

March 26, 2024

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

KATHERINE MONSON,

Plaintiff,

VS.

MCCLENNY MOSELEY &
ASSOCIATES, PLLC, *et al.*,

Defendants.

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CIVIL ACTION NO. 4:23-CV-00928

Before the Court are United States Magistrate Judge Yvonne Y. Ho's Memorandum and Recommendation filed on February 28, 2024 (Doc. #46), Defendant Tort Network, LLC d/b/a Velawcity's ("Velawcity") Objections (Doc. #48), Defendant James M. McClenny's Objections (Doc. #49), and Plaintiff's Response (Doc. #50). The Magistrate Judge's findings and conclusions are reviewed de novo. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989). Having reviewed the parties' arguments and applicable legal authority, the Court adopts the Memorandum and Recommendation as its Order.

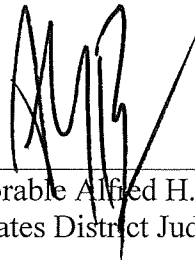
The Court finds that Magistrate Judge Ho correctly determined that Plaintiff's proposed amended complaint sufficiently establishes Article III standing, as Plaintiff alleges a cognizable injury in fact that is redressable by this Court. *See Spokeo, Inc. v. Robins*, 578 U.S. 330, 341 (2016); *TransUnion LLC v. Ramirez*, 594 U.S. 413, 426–27 (2021). Moreover, granting leave to amend would not be futile because Plaintiff's proposed amended complaint plausibly alleges her claims against the Defendants. The Court also finds that Magistrate Judge Ho did not err in denying the motion to strike class allegations without prejudice so that the parties may brief the issue further.

Therefore, Plaintiff's request for leave to amend her allegations supporting Article III standing (Doc. #41 at 2), and further to file an amended complaint to add new defendants (Doc. #39) is GRANTED. It is further ORDERED that Velawcity's Motion to Dismiss is DENIED. Doc. #14. Moreover, Defendants McClenny, Moseley & Associates, PLLC, James McClenny, and John Zachary Moseley's Joint Motion to Dismiss and Motion to Strike Class Allegations is DENIED. Doc. #25. However, this denial is without prejudice to Defendants filing a standalone motion to strike class allegations by March 29, 2024. Finally, Plaintiff's Motion for Leave is DENIED as MOOT. Doc. #45.

It is so ORDERED.

MAR 25 2024

Date



The Honorable Alfred H. Bennett
United States District Judge